

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jacob et al.)
For: Method and Apparatus for)
Delivering Services)
Serial No.: 10/749,711)
Filed: December 31, 2003)
Examiner: Nguyen, K.)
Art Unit: 2617)

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES, and
Pre-Appeal Brief Request for Review**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 41.31, the applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner, dated January 7, 2010, wherein the Examiner made the rejection of the claims final. The present Notice of Appeal is being filed within the permissible three month term for response.

In connection with the Notice of Appeal, and Pre-Appeal Brief Request for Review, no fee is believed to be due, as the required fee of \$540 which corresponds to the fee for filing a Notice of Appeal has in effect already been paid. The applicant is entitled for the fee to be reduced by appropriately applied credits for previously paid fees, in connection with the two prior filings of a Notice of Appeal, on April 6, 2007, and December 31, 2008, where the previous Notice of Appeal filing fees should be applied to a later appeal on the same application, because the prosecution was re-opened by the Examiner, prior to a decision on the merits by the Board.

Consequently the previous fees paid are applicable to be applied to a later filed appeal (see MPEP §1207.04), and no fee is due in connection with the present Notice of Appeal filing.

Respectfully submitted,

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